

REMARKS

Claims 28-36, 39 and 42 have been amended. Claims 37, 40 and 43 have been cancelled. No new claims have been added. Claims 1-27 were earlier withdrawn and are cancelled herein. Claims 28-36, 38, 39, 41, 42 and 44 are pending.

Claim Rejections - 35 USC § 103

The Final Office Action rejected claims 36-37 and 39-40 under 35 USC § 103(a) as obvious from Tuomenoksa (US7181542) in view of Ahlard (US7461157). This rejection is respectfully traversed.

The Final Office Action rejected claims 42-44 under 35 USC § 103(a) as obvious from Tuomenoksa in view of Ahlard in further view of examiner's official notice. This rejection is respectfully traversed.

The Final Office Action rejected claims 28-35 under 35 USC § 103(a) as obvious from Tuomenoksa in view of Ahlard in further view of Aysan (US7379465). This rejection is respectfully traversed.

The independent claims, namely claims 28, 32, 36, 39 and 42, have been amended to more clearly recite that certain recited actions are performed by a network testing system or network card, as applicable. The independent claims have been amended to recite limitations not disclosed in the cited references. The independent claims have been amended to recite a network testing system or network card that performs the following or similar actions.

providing the client computing device access to capabilities of the network device of the network card in the network testing system via the network interface, including: ...

transmitting outgoing data units pursuant to the outgoing data unit requests onto a/the second network via the (specified) network interface at a speed greater than that available at the client computing device and/or using a protocol not supported by the client computing device and/or at a throughput not possible at the client computing device

Support for these limitations is provided in at least para. 0031 of the application as published (US20050015642A1).

We assert that none of the cited references taken alone or together in various combinations disclose the entirety of the claimed subject matter.

In view of the above, we assert that the independent claims, namely claims 28, 32, 36, 39 and 42, and all claims depending thereon, are patentable over the cited references.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Additional Statements

The Examiner's consideration of the references of record is appreciated. It is presumed that the Examiner has considered the entire disclosure of each of the references of record with respect to anticipation (individually) and obviousness (in any combination).

References to "Applicant" herein are to the assignee of record, which the undersigned represents. An assignment has been recorded, and a Statement of Ownership and General Power of Attorney have also been filed. Thus, the rights of the original Applicants/inventors have been excluded.

With respect to this filing, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503456. Please consider this response to be a petition for extension of time, if necessary.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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